

#14
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Messages

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SEP 22 2003

To: Examiner Swinehart

From: Alberto Calderon

Re: App Ser. # 09/671,583

Please contact me if you have any questions.

Adam H. Jacobs

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La Jolla, September 12, 2003

Mr. E. Swinehart
PATENT OFFICE
Fax:

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Dear Mr. Swinehart:

As you may recall from the video at your office, the TH surface-submersible had extraordinary surface and subsurface performance. This is attained having its unique double wedge body, for example in claim 40 of application 677 583.

Before leaving on travel, I tried to reach you by phone regarding claim 40 of the application which was rejected by Spear (US 1 154 215), a new art cited in Final Action. Therefore, I would appreciate the opportunity of reviewing by phone the reasons why I think Spear is different from Applicant's invention.

To help a telephone review, I am cofaxing Figs. 1 and 2 of Spear, with an analysis which, it is respectfully submitted, shows why Spear confirms, rather than impede, the inventive substance of Claim 40. After seeing Spear, claim 40 could be perfected further if the total planform width adjacent the stern in claim 40 were defined as between side surface portions of its elongated body.

I look forward to reviewing the above by phone from abroad, prior to submitting next amendment.

Sincerely,



Alberto Alvarez Calderon

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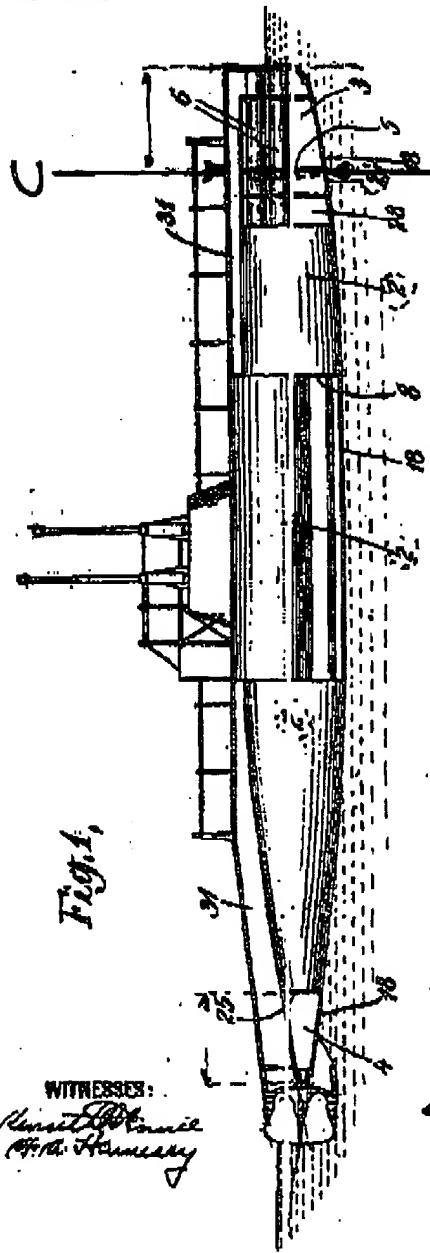
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L. Y. SPEAR;
HULL CONSTRUCTION OF SUBMARINE BOATS.
APPLICATION FILED MAR. 12, 1911. REDEUED FEB. 27, 1915.

1,154,215.

Patented Sept. 21, 1915.

9 SHEETS-SHEET 1.



The Spear submarine above is very similar to applicant's Fig. 1A, which is old art. Spear teaches a total vehicle width A adjacent its rear end (0.5 inches). But the total height C in profile of his elongated body adjacent his forward end (0.53 inches) is much larger than the platform width B between sides of his elongated body adjacent its stern (0.33 in).

This is contrary to applicant's teaching, including his scale drawings of his boat in Figs. 5A and 5B, and contrary to Claims 40 and 41. For example, detail Fig. 5E shows a total height in side view adjacent the forward end of its elongated body of 0.65 in., which is substantially less than total platform width in Fig. 5C of 1.4 in. adjacent rear end of its elongated body. These dimensions are also shown in Figs. 5A and B.

According to the above, Claims 40 and 41 are different in kind from Spear, and Spear should confirm, rather than deny, that applicant's teachings incorporated in Claims 40 and 41, which are new and inventive. In passing, Claims 40 and 41 are also contrary to Mills, which necessarily teaches that height at forward end is exactly equal to beam at the rear end (Mills Fig. 1).

WITNESSES:
Herbert H. Harnsey
Wm. Harnsey

INVENTOR
Lawrence G. Spear
BY
Herbert H. Harnsey
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